Warner move expense the CR file domestic relocation

I can only say I have been in contact with the chairman of the House Appropriations Committee (Mr. WHITTEN). He indicates that he is ready to go to conference the minute we are ready to go to conference. I have assured him I plan to go to conference and the conferees will be appointed shortly after passing this CR.

If the leader will yield for a question, has the leadership of the House, namely, the Speaker, indicated his willingness to work with us on that, keeping the House in for us to do this?

Mr. BAKER. Mr. President, in answer to the chairman, I have not talked to the Speaker in the last hour or so and I have not talked to him at all about this particular suggestion. Earlier tonight, however, he indicated that the House would remain in session long enough to appoint conferees.

I have sent word to the Speaker that it is our hope that we can finish this bill tonight, including action on the conference report. I have not yet had a reply.

Mr. STENNIS. Will the majority leader yield to me for this two-point observation?

Mr. BAKER. Yes, I yield.

Mr. STENNIS. Mr. President, I think we can do better and save time if our floor managers stay with us as much as they can. I know they have other matters, too. And all the rest of us can be briefer, maybe, in our presentation or our comments.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, Mr. President, let me yield now to the minority leader.

Mr. BYRD. Mr. President, I understood the majority leader to say the Speaker had assured the majority leader that the House would stay in until conferees were appointed. That does not tell us that the House will stay in long enough to agree to the conference report. Can the majority leader enlighten us?

Mr. BAKER. Yes, Mr. President, that query is in process now. Of course, if the House will not stay in, there is no point in our staying in. But it is my hope that the House would agree to that. I have indicated to the Speaker—not personally but through an intermediary—that that is our wish, that the managers of the bill want to finish tonight.

Mr. HATFILED. Will the Senator yield?

Mr. BAKER. Yes.

Mr. HATFIELD. I would just like to clarify my own thinking on one point. Would the leader not agree that regardless of what the House does tonight, the Senate would complete its work on the CR? Because it seems to me if we do not do that and we are on into tomorrow, tomorrow afternoon, we still have to do the conference.

Mr. BAKER. Mr. President, I agree. I think we can finish this bill. I think we can appoint conferees and get a conference report and act on this measure tonight. I urge Senators to try to do that.

AMENDMENT NO. 2568

(Purpose: To amend title 5, United States Code, to revise the authority to reimburse Federal employees for certain moving expenses incurred by such employees in connection with a transfer or reassignment in the interest of the Government from one official station or agency to another for permanent duty)

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator for Virginia is recognized.

Mr. WARNER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposed an amendment numbered 2568.

Mr. WARNER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the joint resolution add the following new section:

SEC. . (a) (1) Section 5723(a)(1) of title 5, United States Code, is amended—

(A) by inserting "(A)" after "travel expenses";

(B) by striking out "manpower shortage or" and inserting in lieu thereof "manpower shortage, (B)"; and

(C) by inserting ", or (B) of any person appointed by the President, by and with the advice and consent of the Senate, to a position the rate of pay for which is equal to or higher than the mininum rate of pay prescribed for GS-16" after "Senior Executive Service".

(2) Sections 5724(a)(2) and 5726(b) of title 5, United States Code, are each amended by striking out "11,000" and inserting in lieu thereof "18,000".

(3) Section 5724 (b) (1) of title 5, United States Code, is amended by striking out "not in excess of 20 cents a mile".

(4) Section 5724 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) The regulations prescribed under this section shall provide that the reassignment or transfer of any employee, for permanent duty, from one official station or agency to another which is outside the employee's commuting area shall take effect only after the employee has been given advance notice for a reasonable period. Emergency circumstances shall be taken into account in determining whether the period of advance notice is reasonable.".

(5) Section 5724a(a)(3) of title 5, United States Code, is amended—

(A) in the first sentence thereof, by striking out "30 days" and inserting in lieu thereof "60 days"; and

(B) by striking out the second and fourth sentences thereof and inserting after the first sentence the following: "The period of residence in temporary quarters may be extended for an additional 60 days if the head of the agency concerned or his designee determines that there are compelling reasons for the continued occupancy of temporary quarters.".

(6) Section 5724(a)(4) of title 5, United States Code, is amended—

(A) by inserting "(A)" after "(4)"; and

(B) by adding at the end thereof the following new subparagraph:

"(B)(i) In connection with the sale of the residence at the old official station, reimbursement under this paragrph shall not exceed 10 percent of the sale price of $15,000, whichever is the lesser amount.

"(ii) In connection with the purchase of a residence at the new official station, reimbursement under this paragraph shall not exceed 5 percent of the pruchase price of $7,500, whichever is the lesser amount.

"(iii) Effective October 1 of each year, the respective maximum dollar amounts applicable under clauses (i) and (ii) shall be increased by the percent change, if any, in the Consumer Price Index published for December of the preceding year over that published for December of the second preceding year, adjusted to the nearest one-tenth of 1 percent. For the purpose of this clause, 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers, United States City Average, Housing Component (1967=100), prepared by the Bureau of Labor Statistics, Department of Labor.".

(7)(A)(i) Subchapter II of chapter 57 of title 5, United States Code, is amended by adding after section 5724a the following new sections:

"§ 5724b. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred

"(a) Under such regulations as the President may prescribe and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to an agency for administrative expenses are available for the reimbursement of all or part of the Federal, State, and city income taxes incurred by an employee, or by an employee and such employee's spouse (if filing jointly), for any moving or storage expenses furnished in kind, or for which reimbursement or an allowance is provided (but only to the extent of the expenses paid or incurred). Reimbursements under this subsection shall also include an amount equal to all income taxes for which the employee, or the employee and spouse, as the case may be, would be liable due to the reimbursement for the taxes referred to in the first sentence of this subsection.

"(b) For the purpose of this section, 'moving or storage expenses' means travel and transportation expenses (including storage of household goods and personal effects under section 5724 of this title) and other relocation expenses under sections 5724a and 5726(c) of this title.

"§ 5724c. Relocation services.

"Each agency is authorized to enter into contracts to provide relocation services to agencies and employees for the purpose of carrying out the provisions of this subchapter. Such services include but need not be limited to arranging for the purchase of a transferred employee's residence.".

(ii) The chapter analysis at the beginning of chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5724a the following new items:

"5724b. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred.

"5724c. Relocation services.".

(B) Section 5724(i) of title 5, United States Code, is amended by striking out "5724a" and inserting in lieu thereof "5724a, 5724b,".

(b) The amendments made by subsection (a) shall be carried out by agencies by the use of funds appropriated or otherwise available for the administrative expenses of

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each of such respective agencies. The amendments made by such subsection do not authorize the appropriation of funds in amounts exceeding the sums already authorized to be appropriated for such agencies.

(c)(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) Not later than thirty days after the date of the enactment of this Act, the President shall prescribe the regulations required under the amendments made by subsection (a). Such regulations shall take effect as of such date of enactment.

Mr. WARNER. Mr. President, I am sponsoring this amendment along with my distinguished colleague, Senator TRIBLE, in order to correct—at no cost to the Treasury—major inequities that occur when Federal employees are relocated from one geographical area to another to meet the needs of their Federal agency.

Internal Revenue Service figures show that, under current practices, Federal employees end up paying an average of $8,000 worth of moving expenses out of their own pockets. This happens to many Federal employees each year because agencies such as the FBI, the Secret Service, the IRS, and Defense, must move many of their middle- and high-level employees in order to staff their field offices with high quality managers.

Everyone is losing in the current situation. Federal employees are faced with undergoing financial hardship or leaving the Federal service. Agencies are hampered in their ability to recruit and retain well-qualified professionals, managers, and executives. The taxpayers lose when these practices lower Government productivity and effectiveness.

This amendment will go a long way toward relieving these problems. It has no negative impact on the budget because agencies will be using existing appropriations to make fewer, better, and more equitable moves.

The House leadership has indicated that they will accept this amendment in the conference if we include it in the Senate version of the continuing resolution.

I request that my distinguished colleagues join me in supporting this badly needed reform.

The PRESIDING OFFICER. Is there further discussion on the amendment? Does the Senator from Ohio seek recognition on the amendment?

Mr. METZENBAUM. I do not.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment (No. 2568) was agreed to.

AMENDMENT NO. 2569

(Purpose: To provide for termination and extension of certain timber sales contracts)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 2569.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the resolution, add the following new section:

SEC. . (a)(1) The Secretary of Agriculture for national forest lands and the Secretary of the Interior for public lands under their respective jurisdictions are authorized and directed to terminate, at the request of the purchaser, up to 10,000,000 board feet of the timber volume specified in any purchaser's timber sales contracts bid prior to January 1, 1982.

(2) Contracts terminated by the appropriate Secretary pursuant to this subsection shall require the purchaser to pay the Secretary holding the contract a sum equal to $3.00 per 1,000 board feet or equivalent measure for the costs which will be incurred by such Secretary in terminating such contracts and for reoffering the timber terminated for resale. All funds collected pursuant to this paragraph shall be available to the appropriate Secretary to the extent necessary for termination and resale of such timber.

(b)(1) Excluding any contracts terminated pursuant to subsection (a), if the loss of a purchaser on any timber sales contracts bid prior to January 1, 1982, as determined by subtracting the current log value from the delivered log cost based on the original bid price of any such contracts (as determined by the Forest Service or the Bureau of Land Management), is—

(A) in excess of 100 per centum of the net worth of the purchaser, the purchaser may terminate up to 75 per centum of the total volume of all timber sale contracts subject to an assessment of $3 per thousand board feet on the volume terminated;

(B) in excess of 80 per centum up to 100 per centum of the net worth of the purchaser, the purchaser may terminate up to 75 per centum of the total volume of all timber sales contracts subject to an assessment of 5 per centum of the contract bid value of the volume terminated;

(C) in excess of 60 per centum up to 80 per centum of the net worth of the purchaser, the purchaser may terminate up to 75 per centum of the total volume of all timber sales contracts subject to an assessment of 10 per centum of the contract bid value of the volume terminated;

(D) in excess of 40 per centum up to 60 per centum of the net worth of the purchaser, the purchaser may terminate up to 75 per centum of the total volume of all timber sales contracts subject to an assessment of 15 per centum of the contract bid value of the volume terminated;

(E) in excess of 20 per centum up to 40 per centum of the net worth of the purchaser, the purchaser may terminate up to 75 per centum of the total volume of all timber sales contracts subject to an assessment of 20 per centum of the contract bid value of the volume terminated; and

(F) in excess of a 0 per centum up to 20 per centum of the net worth of the purchaser, the purchaser may terminate up to 75 per centum of the total volume of all timber sales contracts subject to an assessment of 25 per centum of the contract bid value of the volume terminated.

(2) No firm may terminate more than 65,000,000 board feet of timber volume under this subsection.

(3) For purposes of this subsection, the term "net worth" does not include the value of any outstanding uncut timber sales contracts.

(c)(1) Subject to the assessment as provided in paragraph (2), the Secretary of Agriculture for national forest lands and the Secretary of the Interior for public lands are further authorized and directed to adjust, at the written request of the purchaser, the termination dates of any contracts for the purchase of timber not otherwise terminated in subsection (a) or (b), that were bid prior to January 1, 1982, but not earlier than January 1, 1975, for a period not exceeding five years from the termination date in effect on the date of enactment of this Act, or from such earlier dates as the purchaser elects.

(2)(A) For the first year of any adjustment authorized pursuant to paragraph (1), the purchaser shall pay interest on the outstanding contract value of the contract volume of one-half the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such timber contact obligation adjusted to the nearest one-eighth of one per centum.

(B) Beginning with the fourth operating season after any adjustment authorized by paragraph (1), the purchaser shall pay the full rate of interest specified in subparagraph (A) on the outstanding balance of the contract value.

(d) A purchaser granted termination of a contract pursuant to this section shall not, if otherwise eligible, be prevented on account of the termination from bidding on and resale of timber included in a termination contract.

(e)(1) Contracts to be terminated pursuant to this section under which no harvest has taken place shall be terminated in full.

(2) Contracts terminated by the appropriate Secretary pursuant to this section under which harvest has begun, shall be terminated conditionally with the termination becoming final after the purchaser has completed all contractual obligations, including completion of sections of roads where construction has begun, for the units on which harvest has begun. All remaining unharvested units must be terminated.

(3) The appropriate Secretary may not terminate a contract if he determines, in his discretion, that the remaining unharvested units or a logical unit as determined by the Secretary are not representative of all units that were to be harvested on the contract areas in terms of species and logging methods.

(f) Timber from terminated contracts shall be offered for resale in an orderly fashion as part of the normal congressionally authorized timber sales program, and in a manner which does not disrupt regional markets or artificially depress domestic timber prices. Timber from terminated contracts shall be given preference for resale in the 1984 timber sales program.

(g) The Secretary of the Interior and the Secretary of Agriculture shall publish procedures for the implementation of this section in the Federal Register within 90 days after the date of enactment of this Act.

(h)(1) Any firm that was not engaged in logging or manufacture of timber or that did not own a plant or equipment for that purpose within six months of the contract bid date for a timber sales contract shall not